

REMARKS

The Final Office Action dated June 5, 2007 has been given careful consideration by the applicant. Reconsideration and/or reexamination of the application is hereby respectfully requested by the applicant. Claims 1-5 and 7-22 remain in the application. Claim 6 was previously canceled, without prejudice. Claim 23, similar to original claim 6, has been added. Claims 24-26 have also been added.

The Office Action

The Examiner rejected claims 1-2, 4-7, 9-15, 17-20 and 22 under 35 U.S.C. §102(b) as being obvious in view of U.S. Publication No. 2002/0132608 to Shinohara and U.S. Publication No. 2003/0105825 to Kring.

The Examiner rejected claim 3 under 35 U.S.C. §103 as being unpatentable over Shinohara and Kring in view of U.S. Patent No. 5,442,390 to Hooper et al.

The Examiner rejected claims 8, 16 and 21 under 35 U.S.C. §103 as being unpatentable over Shinohara in view of U.S. Publication No. 2001/0044325 to Cox et al.

The Claims Patentably Distinguish Over the Cited Art

The Examiner rejected claims 1-2, 4-7, 9-15, 17-20 and 22 as being rendered obvious by Shinohara and Kring. However, independent claims 1, 10 and 18 are not rendered obvious and, thus, all claims dependent thereon are not rendered obvious as will be detailed below.

More specifically, independent claims 1, 10 and 18 -- which have been amended to clarify the scope of the claims in view of the disclosure that supports the claims -- recite that the system determines a delivery preference for the second mobile station. No such delivery preference is taught in the Shinohara publication. In Shinohara, the user is able to confirm delivery of video either to a phone or a necessary external device dependent on video format, or reject the video data. Shinohara does not teach delivery of the preferences as disclosed and claimed in the present application. Indeed, the Examiner even acknowledges that Shinohara does not teach delivery preferences including a rejection of video data and delayed delivery.

The Examiner relies on Kring and asserts that Kring teaches delivery preferences including a rejection and delayed delivery. However, the cited portions of Kring merely make reference to these types of delivery methods and, separately, to use preferences. It is submitted that there is no apparent connection between delivery methods and preferences. Kring does not fairly teach the concept of determining and implementing delivery preferences, as disclosed and claimed. So, even if Kring and Shinohara were combinable, the suggested combination would not render the present claims obvious. At the very least, the functions of selectively prompting a second mobile station based on a delivery preference and, based on the response or a delivery preference, performing at least one of maintaining, deleting or forwarding are not shown. These features, and others, provide a variety of advantageous options to the user, according to the presently described embodiments. The same type of delivery preference is simply not taught in the suggested combination.

Therefore, independent claims 1, 10 and 18 are not anticipated by Shinohara. Likewise, all claims dependent thereon are not anticipated by Shinohara.

The Examiner also rejected claim 3 as being unpatentable over Shinohara, Kring and Hooper. The Examiner's position is that while Shinohara/Kring does not teach a storage module that is a first-in, first-out nature, Hooper does so. However, as previously argued, Hooper relates to a video on-demand system and does not fairly teach a system that would allow for transmission of video to mobile stations. Therefore, Shinohara/Kring and Hooper are not combinable as suggested, so claim 3 is allowable for at least that reason.

In any event, claim 3 depends from claim 1. Because Hooper does not cure the deficiencies of Shinohara and Kring with respect to independent claim 1, claim 3 is submitted to be allowable.

The Examiner also rejected claims 8, 16 and 21 as being unpatentable over Shinohara, Kring and Cox. The Examiner's position is that Shinohara/Kring does not teach an announcement module that provides a signal to the first mobile station that delivery will be blocked if the call recognition module does not validate the second mobile station but Cox does so. However, Cox relates to telephone call management system and method. Cox does not fairly teach the integration of video data in a wireless phone system. Therefore, Cox and Shinohara/Kring are not combinable as suggested, so these claims are not rendered obvious.

In any event, dependent claims 8, 16 and 21 depend from independent claims 10 and/or 18, respectively. Therefore, because Cox does not cure the deficiencies of Shinohara and Kring, dependent claims 8, 16 and 21 are submitted to be allowable.

CONCLUSION

For the reasons detailed above, it is respectfully submitted all claims remaining in the application (Claims 1-5 and 7-26) are now in condition for allowance. The foregoing comments do not require unnecessary additional search or examination.

In the event the Examiner considers personal contact advantageous to the disposition of this case, he/she is hereby authorized to telephone Joseph D. Dreher, at (216) 861-5582.

Respectfully submitted,

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Date: November 27, 2007